

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SOUTHERN DISTRICT OF NEW YORK  
5/9/2013

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UNITED STATES OF AMERICA :  
-v- : NOLLE PROSEQUI  
SOL NAIMARK, : 12 Cr. 884 (DLC)  
Defendant. :

-----x  
1. The filing of this *nolle prosequi* will dispose of this case with respect to SOL NAIMARK, the defendant.

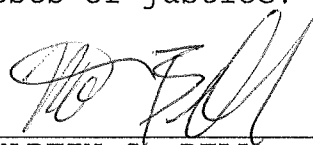
2. On February 29, 2012, a Grand Jury in this District returned indictment 12 Cr. 171 (JPO) (the "Zemlyansky Indictment"), charging SOL NAIMARK, the defendant, and others, in three counts. Count Two charged NAIMARK and others with participating in a health care fraud conspiracy, in violation of Title 18, United States Code, Section 1349. Count Three charged NAIMARK and others with participating in a mail fraud conspiracy, in violation of Title 18, United States Code, Section 1349. Count One charged individuals other than NAIMARK with a racketeering conspiracy. As described in the Zemlyansky Indictment, NAIMARK entered into a kickback arrangement for clients with clinics participating in a no-fault insurance scheme.

3. On November 27, 2012, a second indictment against SOL NAIMARK, the defendant, was filed in this case, *United States v. Ruvin Katz*, 12 Cr. 884 (DLC) (the "Katz Indictment"). The Katz Indictment charges NAIMARK and others with participating in a health care fraud conspiracy. As described in the Katz

Indictment, NAIMARK accepted patient referrals from a runner involved in referring the same patients to clinics involved in a no-fault insurance scheme.

4. On March 14, 2013, SOL NAIMARK, the defendant, consented to the filing of Superseding Information S11 12 Cr. 171 (JPO) (the "Superseding Zemlyansky Information"). The Superseding Zemlyansky Information included two counts of health care fraud against NAIMARK, the one charged previously in the Zemlyansky Indictment and the one charged previously in the Katz Indictment. On the same day, NAIMARK pled guilty to both counts of the Superseding Zemlyansky Information.

5. Because: (1) the conduct described in the Katz Indictment is included in the Superseding Zemlyansky Information; and (2) SOL NAIMARK, the defendant, has pled guilty to the same conduct, I recommend that an order of *nolle prosequi* be filed as to NAIMARK with respect to Indictment 12 Cr. 884 (DLC). For all the reasons set forth above, I believe the filing of the *nolle prosequi* would be in the interests of justice.

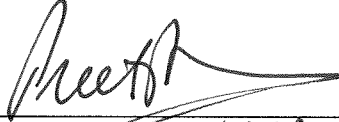


MARTIN S. BELL  
Assistant United States Attorney  
(212) 637-2463

Dated: New York, New York  
~~April~~ 8, 2013

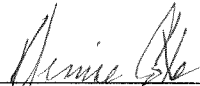
*May*

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that, in light of the facts set forth above, an order of *nolle prosequi* be filed as SOL NAIMARK; the defendant, with respect to Indictment 12 Cr. 884 (DLC).

  
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PREET BHARARA *WJR*  
United States Attorney  
Southern District of New York

Dated: New York, New York  
April 30, 2013

SO ORDERED:

  
\_\_\_\_\_  
THE HONORABLE DENISE L. COTE  
United States District Judge  
Southern District of New York

Dated: New York, New York  
April \_\_, 2013

*May 9, 2013*